

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

**WILLIAM PAUL BIRCH,**

**Plaintiff,**

**v.**

**SELECT PORTFOLIO SERVICING,  
INC.,**

**Defendant.**

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**Civil Action No. 4:20-cv-00423-O**

**ORDER ACCEPTING THE FINDINGS, CONCLUSIONS, AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

After conducting a de novo review of all relevant matters of record in this case, including the Findings, Conclusions, and Recommendation of the United States Magistrate Judge (ECF No. 9), filed May 28, 2020, and Plaintiff's Objections thereto (ECF No. 10), filed June 9, 2020, in accordance with 28 U.S.C. § 636(b)(1), the Court determines that the Findings and Conclusions of the Magistrate Judge are correct, and they are **ACCEPTED** as the Findings and Conclusions of the Court.<sup>1</sup>

Accordingly, it is **ORDERED** that the case is **WITHDRAWN** from United States Magistrate Judge Hal R. Ray, Jr. and **REFERRED** to United States Bankruptcy Judge Mark X.

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<sup>1</sup> Plaintiff has filed objections to the Magistrate Judge's Findings, Conclusions, and Recommendation, which the Court has liberally construed in light of Plaintiff's pro se status. *See* Pl.'s Obj. (ECF No. 10) Following a de novo review, the Court **overrules** the Objections, as none of the Objections alters the Magistrate Judge's finding and conclusion that this case, at a minimum, "relates to" a bankruptcy proceeding, and, therefore, should be referred to United States Bankruptcy Judge Mark X. Mullin pursuant to this Court's Miscellaneous Order No. 33. Plaintiff is entitled to a trial by jury for all issues so triable and his right to a jury trial is deemed preserved. Plaintiff in his Objections states he does not consent to the Bankruptcy Court conducting a jury trial in this proceeding. As a result, the Bankruptcy Court may not try any issues that are triable by a jury. The reference shall be withdrawn *if and when* this matter is ready for trial. The reference shall remain with the Bankruptcy Court as to all pretrial matters, including dispositive motions such as motions for summary judgment. The court will wait until *if and when* the case is ready to go to trial before withdrawing the reference because allowing the bankruptcy court to resolve pretrial issues and enter findings of fact and recommendations of law on dispositive issues is consistent with Congress' intent to let expert bankruptcy judges determine bankruptcy matters to the greatest extent possible.

Mullin, presiding judge in Cause No. 12-46959-mxm7, pursuant to this Court's Miscellaneous Order No. 33.<sup>2</sup>

**SO ORDERED** this **1st day of July, 2020**.

  
Reed O'Connor  
UNITED STATES DISTRICT JUDGE

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<sup>2</sup> Miscellaneous Order No. 33 provides that “any or all cases under Title 11 and any or all proceedings arising under Title 11 or arising in or related to a case under Title 11 . . . are referred to the Bankruptcy Judges of this district for consideration and resolution consistent with law.” Miscellaneous Order No. 33, Order of Reference of Bankruptcy Cases and Proceedings *Nunc Pro Tunc* (N.D. Tex. Aug. 3, 1984).